

CHAPTER VI

ACCESS AUTHORIZATIONS FOR FOREIGN NATIONALS AND DUAL CITIZENS

1. REQUIREMENTS. Where there are compelling reasons in the furtherance of the DOE mission, immigrant aliens and foreign nationals with a special expertise that is not possessed to a comparable degree by an available U.S. citizen may be granted access authorization only for specific programs, projects, contracts, licenses, certificates, or grants for which the individual needs access to classified matter and/or SNM. Such individuals will not be eligible for access to any greater level of classified information than the U.S. Government has determined may be releasable to the country of which the individual is currently a citizen, and such limited access may be approved only if the prior 10 years of the individual's life can be appropriately investigated. Additional lawful investigative procedures must be fully pursued to allay any doubts concerning the granting of access. A request to process a foreign national for an access authorization must be approved by the Headquarters element with jurisdiction over the program where the individual will be employed, the Office of General Counsel, and the Office of Safeguards and Security prior to submission for investigation. A foreign national granted an access authorization must not receive access to the following types of classified matter.
 - a. Top Secret, CRYPTO, or COMSEC information.
 - b. Intelligence information.
 - c. Information that has not been determined to be releasable by a U.S. Government Designated Disclosure Authority to the country of which the individual is a citizen.
 - d. NATO Information although a foreign national of a NATO member nation may be authorized access to NATO Information provided that—
 - (1) a NATO Security Clearance Certificate is obtained by DOE from the individual's home country and
 - (2) NATO Information access is limited to performance on a specific NATO contract.
 - e. Information for which foreign disclosure has been prohibited in whole or in part.
 - f. Information provided to the U.S. Government in confidence by a third party government and classified information furnished by a third party government.

2. FOREIGN NATIONALS.

a. Field Elements must accomplish the following.

- (1) Receive and consider requests for access authorizations for foreign nationals originated by DOE elements and contractors under their jurisdiction. Requests may be disapproved by the local Director of Security if the requirements of paragraph 1 above have not been met.
- (2) Interview all foreign nationals seeking access authorizations to develop the detailed information described in Attachment II-1. The interview should address steps taken by the individual to become a U.S. citizen; previous civilian or military service with a foreign government; family or other relatives abroad; family, legal, and financial ties abroad; and employment of relatives by a foreign government.
- (3) Evaluate the risk arising from foreign national status, considering the following factors:
 - (a) the nationality of the foreign national;
 - (b) whether a sufficient security investigation can be conducted;
 - (c) length of stay in the United States;
 - (d) family, legal, and financial ties abroad; and
 - (e) whether and in what manner the foreign national has shown the intent to become a U.S. citizen.
- (4) Transmit the request to the Director of Safeguards and Security if it is determined that an adequate investigation can be conducted and the evaluation of risks described in subparagraph (3) above is favorable. Include the following information and documents with the request:
 - (a) a duplicate PSF, including the paperwork completed by the individual and a transcript of the interview that has been conducted with the individual;
 - (b) a statement concerning the program for which the foreign national has been recruited and specific access to classified information and/or SNM to be afforded; and
 - (c) a statement that a favorable risk evaluation has been completed based upon the factors described in subparagraph (3) above.

- b. Director of Safeguards and Security must accomplish the following.
 - (1) Coordinate the following reviews/determinations.
 - (a) Heads of Headquarters elements with programmatic authority for the relevant project must review the request for a foreign national's access authorization and determine whether the individual in question possesses special expertise necessary to a DOE program.
 - (b) A review of each request for a foreign national's access authorization to determine compliance with requirements of the Atomic Energy Act of 1954, as amended, regarding the release of Restricted Data to the government involved (and thereby the citizens of that government).
 - (2) Evaluate the security risk arising from foreign national status, taking into consideration those factors in paragraph 2a(3) above, and determine whether the potential contribution of the individual outweighs the security risk arising from foreign national status.
 - (3) Notify the concerned field element that the case has been approved for processing and may now be submitted for investigation in cases where favorable determinations have been made as a result of the reviews described in paragraphs 2b(1) and (2) above.
- c. An SSBI is required for all types of access authorization for foreign nationals. If the individual has resided in or has relatives living in a country where the language is written in a non-Latin alphabet (e.g., Hebrew, Arabic, Chinese, Japanese, Russian), the individual may be required to translate the information on overseas addresses and relatives into the Latin alphabet.
- d. The determination to grant an access authorization for a foreign national must be made by the field element manager and, in Headquarters, by the Director of Safeguards and Security, without power of redelegation.
- e. An access authorization for a foreign national may only be extended, reinstated, or accepted for transfer with the concurrence of the Headquarters element having functional interest in the work to be done and after a new review as described in paragraph b(1)(b) above.
- f. The Office of Safeguards and Security will maintain duplicate PSFs on all foreign nationals holding access authorizations. The field element must provide copies of any additions to the

PSFs on these individuals. If the individual's citizenship status changes substantially, this information must be reported to the Office of Safeguards and Security.

3. DUAL CITIZENS. Individuals who possess a dual citizenship (i.e., who are simultaneously a citizen of the United States and another country) and who have exercised citizenship rights in the foreign country, or have represented themselves as citizens of the foreign country, or who have intentions to do so in the future, must meet the requirements for foreign nationals in paragraphs 1 and 2 above. There are two alternatives to being processed as foreign nationals, as described below.
 - a. Renunciation of the Citizenship in the Other Country. If the individual is willing to renounce his/her citizenship in the other country, he/she must provide a notarized statement attesting to the fact that the non-U.S. citizenship has been formally renounced, and if documentation is available, evidence that the renunciation has been formally accepted by an official representative of the other country's government. Copies of any documents completed by the individual to formally renounce his/her non-U.S. citizenship should accompany the notarized statement. An individual's statement of renunciation must be considered invalid if the individual continues to exercise his/her citizenship rights in a foreign country.
 - b. Waiver. The cognizant field element manager, or the Director of Safeguards and Security for Headquarters cases, may waive the requirement to renounce the alternate citizenship if it is determined that it would be detrimental to the individual or to DOE security objectives, or that the risk associated with the individual maintaining the non-U.S. citizenship status has been adequately mitigated. A copy of the security evaluation documenting this waiver must be maintained in the individual's PSF.